IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1516 OF 2005

Sou. Kamal Jaykumar Bhandare : Petitioner

v/s.

Suvarnamala Raosaheb Manedeshmukh & Ors. : Respondents

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Mr.M.A.Utgikar for the petitioner.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

September 27, 2005.

P.C.:

1. The petitioner has challenged the order dated 24.8.2004 passed by the Deputy Director of Land Records, Pune Division, Pune. By the impugned order, the Deputy Director of Land Records has directed the Taluka Inspector, Land Records, Malshiras, to initiate action in accordance with the judgement and order which will be passed in Regular Civil Suit no.254/92.

2. This order is passed by the Deputy Director of Land Records in the appeal filed by the respondents against the order of the Superintendent, Land Records, dated 21.3.2002

directing the Taluka Inspector of Land Records to take inspection of the premises and after verification of the registered documents to take a decision in accordance with the order passed by the Court. In effect, the appellate authority has set aside the aforesaid order of the Superintendent and held that action should be initiated only in accordance with the decision in the civil suit.

3. The dispute between the parties seems to be in regard to measurements of survey no.346. According to the petitioner, two ares of land has been shown in excess in the names of the respondents. Admittedly, this dispute is pending adjudication in Regular Civil Suit no.254/92 which has been filed by the petitioner herself in regard to the same subject-matter.

4. In the circumstances, I see no reason to interfere with the appellate order. It is settled law that mutation entries do not divest or confer title in property and the question of title, etc., including possession can be gone into by the civil Court.

5. The petition is, therefore, dismissed.

S.A. BOBDE, J.